

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

HECTOR GONZALES,

Plaintiff,

**V.**

UNKNOWN FROISLAND, Sgt, et  
al.,

Defendants.

4:07CV3103

# MEMORANDUM AND ORDER

This matter is before the court on four motions. Plaintiff filed two motions for default judgment (filing nos. 58 and 60) and Defendant Woodyard filed two motions to dismiss Plaintiff's motions for default judgment. (Filing Nos. 59 and 61.)

On September 19, 2007, this court entered an order which, among other things, granted Defendant Woodyard's motion for leave to file out of time. (Filing No. 62.) Defendant Woodyard thereafter filed an answer. (Filing No. 63.) These four motions are therefore moot.

IT IS THEREFORE ORDERED that:

1. Plaintiff's motions for default judgment (filing nos. 58 and 60) are denied as moot.
2. Defendant Woodyard's motions to dismiss Plaintiff's motions for default judgment (filing nos. 59 and 61) are denied as moot.

3. Plaintiff is reminded that he has until October 9, 2007 in which to file a brief opposing Defendants Williams' and Cropp's motion to dismiss. (Filing No. 53.) In the absence of an opposing brief, the court will rule on Defendants' motion without further notice.

October 5, 2007.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge